COMMONWEALTH OF MASSACHUSETTS State Building Code (780 CMR) Appeals Board Board's Ruling on Appeal¹

Docket No. 08-581

Appellant(s): Helen Sittler

VZ. Appellee(s):

City/Town of Buzzards Bay

John Wojciechowicz

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant her a variance from 780 CMR 3400.3 (item 4), for MA Maritime Academy, 101 Academy Drive, Buzzards Bay, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 et. seq., and 780 CMR 122.3.4, the Board convened a public hearing on June 5, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing pro se. John Wojciechowicz and others were present as indicated on the sign in sheet which is on file at the Department of Public Safety.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 3400.3 (item 4), and allow the 300 sq ft press box and elevator to be installed. Testimony revealed that the Natatorium has a firewall between it and the rest of the building. In addition is was noted that the project is harmonious with the intent of Chapter 34 in that the addition of the new elevator will allow accessibility to the building, and that the new press box will allow removal of the existing wood frame press box. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 3400.3 (item 4), is hereby granted and so ordered² on this date: June 5, 2008.

²In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108